

Appl. No. 10/053,135  
Reply to Office Action

Atty Docket No.: 13431-9

### REMARKS

Claims 1-12 are in this case. Claims 1 and 10, the sole independent claims, have been amended to make clear that the conductive pins are free of resilient compression elements and that the test current passes through the conductive pins without passing through resilient compression elements. All claims have been rejected.

Claims 1, 3, 6, 7, 10 and 11 have been rejected as anticipated by a new reference, United States Patent No. 4,818,933 issued to Kerschner *et al.* These rejections are respectfully traversed.

It is well established that to anticipate a claimed invention, a prior patent must disclose each and every limitation of the claim. In the present case, independent claims 1 and 10 call for a test fixture having conductive pins that are free of electrical contact with resilient compression elements. Kerschner *et al.* does not disclose such a test fixture.

As applicants have pointed out, conventional test fixtures use compliant test points comprising conductive pins coupled to springs (see specification, p. 2, third paragraph). The problem with such pins is that the resilient spring becomes part of the current path, increasing contact resistance and inductance. Moreover, the quality of the electrical connection deteriorates as the spring mechanically cycles (see specification, p. 2, fourth paragraph to p. 4, second paragraph).

Kerschner is devoid of any comparable teaching or disclosure. Kerschner's conductive pins, which he refers to as probes, are described as "conventional" (see col. 4, lines 46-54). He refers to the probes as capable of being "deflected a desired controlled amount." (Col. 5, lines 28-

Appl. No. 10/053,135  
Reply to Office Action

Atty Docket No.: 13431-9

40). Accordingly Kerschner does not anticipate claims 1 or 10 or the remaining claims dependent thereon.

Claims 8 and 9 have been rejected under 35 U.S.C. Section 103 as unpatentable over Kerschner *et al.* These rejections are respectfully traversed as inapplicable to the claims as amended.

To support a rejection under Section 103, a prior patent must teach or suggest every limitation of the claim. In the present case Kerschner *et al.* neither teaches nor suggests a test fixture with conductive pins free of electrical contact with resilient compression elements so that test current can pass through the conductive pins without passing through resilient compression elements. Accordingly Kerschner *et al.* does not make obvious the invention of claim 1 or its dependent claims 8 and 9.

Claim 4 has been rejected under 35 U.S.C. Section 103 as unpatentable over Kerschner *et al.* in view of United States Patent No. 4,267,506 to Shiell. This rejection is believed inapplicable for the same reasons set forth above. Shiell, which is cited only for use of a rubber compression element, does not teach or suggest a test fixture with conductive pins free of contact with resilient compressive elements and accordingly does not remedy the deficiencies of the primary reference to Kerschner *et al.* Accordingly claim 1 and its dependent claim 4 patentably distinguish from the proposed combination of Kerschner and Shiell.

Similar considerations apply to the rejection of claims 2, 5 and 12 as unpatentable over Kerschner *et al.* and Prokopp. Prokopp is cited only for the use of plural pins and the use of "biasing means for permitting contact between probe means and a circuit assembly" As pointed

Appl. No. 10/053,135  
Reply to Office Action

Atty Docket No.: 13431-9

out in response to the prior Office Action, the tet current in Prokopp flows through the biasing means. Thus this proposed combination not only fails to teach the invention but teaches away from it. Claims 1 and 10 patentably distinguish from the proposed combination as do their dependent claims 2, 5 and 12.

In view of the foregoing, claim 1-12 patentably distinguish from all cited art taken individually or in combination. Accordingly this application now fully complies with the provisions of 35 U.S.C. Sections 102 and 103 and is now in condition for allowance. Reconsideration and favorable action in this regard is therefore earnestly solicited.

Respectfully submitted,



Glen E. Books  
Reg. No. 24,950  
Attorney for Applicants

June 2, 2004

LOWENSTEIN SANDLER PC  
65 Livingston Avenue  
Roseland, New Jersey 07068  
Tel.: 973-597-2578